

06.19.2015



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**STATE OF DELAWARE**  
**BOARD OF MASSAGE AND BODYWORK**

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**PUBLIC MEETING MINUTES:**      **Board of Massage and Bodywork**

**MEETING DATE AND TIME:**      **Thursday, June 18, 2015 at 1:30 p.m.**

**PLACE:**      861 Silver Lake Boulevard, Dover, Delaware  
                    **Conference Room B**, second floor Cannon Building

**MINUTES APPROVED:** Approved August 20, 2015

**MEMBERS PRESENT**

Sandra Jachimowski, Professional Member, President  
Holly Overmyer, Professional Member, Vice President  
Kathy Sherwin, Public Member  
Frank Beebe, Public Member  
Rachel Dunning, Public Member

**MEMBERS ABSENT**

Jermaine Cannon, Professional Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER**

Eileen Kelly, Deputy Attorney General  
Maggie Strauss, Administrative Specialist II

**OTHERS PRESENT**

Virginia K. Fisher  
Sharon Gamble  
Ron Clark  
Aimee Moulder

**CALL TO ORDER**

Ms. Jachimowski called the meeting to order at 1:31p.

**REVIEW OF MINUTES**

The Board reviewed the minutes from the May 21, 2015 meeting. A motion was made by Ms. Dunning, seconded by Ms. Sherwin to approve the minutes as presented. The motion carried unanimously.

## **UNFINISHED BUSINESS**

### **Proposal to Deny Hearing of Virginia Fisher – LMT**

Ms. Kelly called the hearing to order at 1:35p and stated that today's hearing was a result of the Board's proposal to deny the licensure upgrade Virginia Fisher. She introduced as Board exhibit #1 the application and all supporting documents, and respondent exhibit one as correspondence and information provided by Ms. Fisher. The Board members were introduced and Ms. Fisher was sworn in.

Ms. Fisher provided testimony regarding her inability to obtain an official transcript from the school she attended because all of those documents were destroyed in a flood. She asked that the Board refer to documents submitted by the Department of Education on her behalf to show she successfully completed the requirements for licensure as a massage therapist. Ms. Fisher kindly asked that the Board review the information she submitted and to reconsider her for a license upgrade.

Ms. Kelly questioned, and asked for an explanation, the difference in information provided by the original transcript used for the CMT license and the list of courses provided by the DOE. Ms. Overmyer and Ms. Jachimoski stated that many applicants submit the requirements for CMT licensure while continuing to work towards their LMT license. Ms. Fisher stated that that is exactly what she did, she just never took the nation exam required for LMT licensure after graduation, she just took it recently.

The Board went into deliberations at 1:49p. Ms. Sherwin stated that her review of the documents surrounding the curriculum were indicative of the timeline provided by Ms. Fisher; she started the massage program in the fall of 1996, received a CMT license, and then completed the 600 hours in 1997. Ms. Sherwin also stated that the DOE letter summarizes the curriculum and that also agrees with the timeline provided during testimony.

A motion was made by Ms. Dunning, seconded by Ms. Sherwin to approve the licensure upgrade of Ms. Fisher based on a review of the supporting documents received. The motion carried unanimously.

### **Evaluation of Modalities – continued**

The Board continued discussion of separation of some the modalities listed in the regulations. Ms. Sherwin stated, and the Board agreed, that last month they decided that the Board shouldn't require a paid membership in any modality as requirement for licensure with the new license type. They should however agree to fall back on the CE requirements for licensure within that modality as required by the certifying body.

Ms. Overmyer stated that sometimes you are required to have a membership initially, for example taking the national exam, but continued membership was not required to maintain licensure. That would be at the licensee's discretion.

Ms. Strauss inquired if perhaps the statute could generalize the requirements for the new license type; allow a provision for the Board to offer a waiver on a case-by-case basis when necessary to prevent language that would be too rigid and prevent a modality not considered at this time from obtaining a license. The applicant could request a hearing before the Board and it would be their responsibility to provide information to the Board regarding their modality. That way the Board had the discretion to approve or deny receipt of a Bodywork Specialty license. Ms. Kelly advised she would work on language for the Board to review.

The Board concluded the discussion with the agreement that the ability to maintain the new license would be dependent on State requirements versus modality requirements; whomever had the higher requirements is what the license would have to adhere to. DE currently requires valid CPR and 24 CEU's, the BW specialty licensees would need that at minimum to maintain DE licensure. Ms. Strauss will review curriculums and Ms. Kelly will work on language for Board review and discussion in August.

## **NEW BUSINESS**

### **Ratification of Massage Technician Certifications**

A motion was made by Ms. Dunning, seconded by Ms. Overmyer, to approve the ratification of the Massage Technician applications of: Traci Celena Simmons, Donald Maurice Brooks, Deborah A Varell, Eugena Dawn Hebert, Joshua Michael Wynegar, Amanda E McGuigan, Sarah C Bricker, Hillary G. Marinelli, Sharon L Jones, Frank Mederos and Darline Domercant. The motion carried unanimously.

### **Ratification of License Massage Therapists**

A motion was made by Ms. Dunning, second by Mr. Beebe, to approve the ratification of the Massage Therapist Certifications of: Elvis U. Amadi, Corynne N. Smith, Jamiaca Basalone Franck, Amber Michele Novak, Robert Bruce Diamond, Heather Renee` Shafer, Marcia Susan Aerenson and Kendall Christine Schmierer. The motion carried unanimously.

### **Continuing Education**

There were no continuing education courses submitted for approval.

### **Complaint Status**

20-10-14 – Attorney General  
20-15-14 – Investigative Unit  
20-16-14 – Attorney General  
20-01-15 – Investigative Unit  
20-02-15 – Investigative Unit  
20-03-15 – Investigative Unit  
20-04-15 – Investigative Unit  
20-05-15 – Investigative Unit  
20-06-15 – Attorney General  
20-07-15 – Investigative Unit

### **Application(s) for DAG Review**

Under advisement from Ms. Kelly, a motion was made by Ms. Dunning, seconded by Ms. Sherwin to approve the applications of Jar Andrews – CMT, YuanLi Zhang – LMT and Leslie Wood – CMT. The motion carried unanimously.

Under advisement from Ms. Kelly, a motion was made by Ms. Dunning, seconded by Ms. Overmyer to propose to deny the applications of Dennis Conte, III – CMT and Patricia Kirsch - CMT for not meeting the current requirements for licensure. The motion carried unanimously.

### **Review & Consideration of Hearing Officer Recommendations**

A motion was made by Ms. Sherwin, seconded by Ms. Overmyer to approve the hearing officer recommendations as written of Leonard G. Hurtt, Jr., Jessica M. Hubbard, Jawaan Gibbs, James Frizzell, Donna C. Hugues, Vonnie Iverson-Jock, Marlayna M. Gale, Angela Freeman, Terry Kowal, Carrie Lichner, Samantah Malone, Peter Lerza, Yi Luo and Amanda Maney. The motion carried unanimously.

## **CORRESPONDENCE**

There was no correspondence received.

## **OTHER BUSINESS (for discussion only)**

**PUBLIC COMMENT**

Ms. Moulder inquired about the discussion regarding requesting a seat on the Board for a Bodywork Specialist if/when the new license type goes through. Ms. Jachimoski advised they would include that in their discussion of modalities.

**NEXT SCHEDULED MEETING**

The next meeting is scheduled for August 20, 2015 at 1:30 p.m.

**ADJOURNMENT**

There being no further business, a motion was made by, Ms. Dunning, seconded by Mr. Beebe to adjourn the meeting. The motion carried unanimously. The meeting went off record and adjourned at 2:32p.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Maggie Strauss', written in a cursive style.

Maggie Strauss  
Administrative Specialist II